

FORM PTO-1390 (Modified)
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

49386-01 (71995)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

~~10/019265~~ **10/019265**

INTERNATIONAL APPLICATION NO.
PCT/US00/12773

INTERNATIONAL FILING DATE
10 MAY 2000

PRIORITY DATE CLAIMED
May 10, 1999

TITLE OF INVENTION

SYSTEMS AND METHODS FOR SPINAL FIXATION

APPLICANT(S) FOR DO/EO/US

Allen CARL, Ricky HART and Josef WINKLER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A change of power of attorney and/or address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. Certificate of Mailing by Express Mail EL 789783597 US
23. Other items or information:

PCT/IPEA/402	PCT/RO/105	Preliminary Amendment
PCT/RO 101	PCT/IPEA/408	PCT/ISA/220
PCT/IB/304	PCT/IPEA/416	PCT/RO/105
PCT/IB/308	PCT/IPEA/409	PCT/IPEA/401

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.535) 10/019289	INTERNATIONAL APPLICATION NO. PCT/US00/12773	ATTORNEY'S DOCKET NUMBER 49386-CIP (71995)
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24. The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :					
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO				\$1040.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO				\$890.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO				\$740.00	
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)				\$710.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)				\$100.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$710.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than _____ <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	30 - 20 =	10	x \$18.00	\$180.00	
Independent claims	10 - 3 =	7	x \$84.00	\$588.00	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,478.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$739.00	
SUBTOTAL =				\$739.00	
Processing fee of \$130.00 for furnishing the English translation later than _____ <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00	
TOTAL NATIONAL FEE =				\$739.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL FEES ENCLOSED =				\$739.00	
				Amount to be: refunded	\$
				charged	\$

- a. A check in the amount of \$739.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1105 A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

William J. Daley Jr. (Reg. No. 35,487)
 Dike Bronstein Roberts & Cushman
 Intellectual Property Practice Group of
 EDWARDS & ANGELL, LLP
 PO Box 9619
 Boston, MA 02209
 Telephone: 617-439-4444
 Fax: 617-439-4170

William J. Daley Jr.

 SIGNATURE

WILLIAM J. DALEY, JR.

 NAME

35,487

 REGISTRATION NUMBER

November 13, 2001

 DATE

TRANSMITTAL LETTER TO THE UNITED STATES RECEIVING OFFICE

PTO-1382 (Rev. 4-1995) (Modified)

PCTUS2.FRP /REV03

Date	November 13, 2001
International Application	PCT/US00/12773
Attorney Docket No.	49,386-CIP 971

I. Certification under 37 CFR 1.10 (if applicable)

JG13 Rec'd PCT/PTO 13 NOV 2001

EL 789783597 US
Express Mail mailing number

November 13, 2001
Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

<i>William J. Daley, Jr.</i>
Signature of person mailing correspondence

William J. Daley, Jr.
Typed or printed name of person mailing correspondence

II. New International Application

TITLE	Systems and Methods for Spinal Fixation
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Earliest priority date (Day/Month/Year)

SCREENING DISCLOSURE INFORMATION: In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. The invention disclosed was **not** made in the United States.
- B. There is no prior U.S. application relating to this invention.
- C. The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority).

application no.		filed on	
application no.		filed on	

- D. The present international application is identical contains less subject matter than that found in the prior U.S. application(s) identified in paragraph C.
- E. The present international application contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages and DOES NOT ALTER MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

III. A Response to an Invitation from the RO/US. The following document(s) is (are) enclosed:

- A. A Request for An Extension of Time to File a Response
- B. A Power of Attorney (General or Regular)
- C. Replacement pages:

pages		of the request (PCT/RO/101)	pages		of the figures
pages		of the description	pages		of the abstract
pages		of the claims			

- D. Submission of Priority Documents

Priority document		Priority document	
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- E. Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

IV. A Request for Rectification under PCT 91 A Petition A Sequence Listing Diskette

V. Other (please specify): National Stage Filing Under 37 USC 371

The person signing this form is the:

<input type="checkbox"/> Applicant
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) 35,487
<input type="checkbox"/> Common Representative

William J. Daley, Jr.
Typed name of signer
<i>William J. Daley, Jr.</i>
Signature